

19-C-0200
U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED
PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

U.S. District Court
 Eastern District of Wisconsin
FEB 7 2019

United States District Court		2019 FEB - 7 P 12:33 District: Eastern
Name (under which you were convicted): TERRANCE LAVONE EGERSON		Docket or Case No.: 2015CF001075
Place of Confinement: NEW LISBON CORRECTIONAL	Prisoner No.: 190163	
Petitioner (include the name under which you were convicted): TERRANCE LAVONE EGERSON		Respondent (authorized person having custody of petitioner) WISCONSIN
The Attorney General of the State of: WISCONSIN		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

MILWAUKEE COUNTY CIRCUIT COURT
MILWAUKEE WI

- (b) Criminal docket or case number (if you know): **2015CF001075**

2. (a) Date of the judgment of conviction (if you know): **MAY 2, 2016**

- (b) Date of sentencing: **APRIL 28, 2016**

3. Length of sentence: **TWELVE YEARS OF INITIAL CONFINEMENT**

4. In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case:

~~THIRTEEN~~ COUNT 1 - KNOWINGLY VIOLATE A DOMESTIC ABUSE INJUNCTION (REPEATER)
COUNT 2 - STALKING - PREVIOUS CONVICTION WITHIN SEVEN YEARS (REPEATER)
COUNT 3 - KNOWINGLY VIOLATE A DOMESTIC ABUSE INJUNCTION (REPEATER)
COUNT 4 - KNOWINGLY VIOLATE A DOMESTIC ABUSE INJUNCTION (REPEATER)
COUNT 5 - KNOWINGLY VIOLATE A DOMESTIC ABUSE INJUNCTION (REPEATER)
COUNT 6 - KNOWINGLY VIOLATE A DOMESTIC ABUSE INJUNCTION (REPEATER)

6. (a) What was your plea? (Check one)

☒ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: DEFENDANT INVOKED HIS SIXTH AMENDMENT RIGHT TO SELF REPRESENTATION

IN WHICH VIOLATED EGERSON CONSTITUTIONAL RIGHT AND DUE PROCESS CLAUSE.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

MR. EGERSON ATTORNEY INFORMED THE TRIAL COURT IN A WRITTEN MOTION TO WITHDRAW
"THAT MR. EGERSON HAS MORE FAITH IN HIS OWN ABILITY TO REPRESENT HIMSELF THAN HE DOES
IN HIS CURRENT REPRESENTATION AND WILL LIKELY CHOSE TO REPRESENT HIMSELF."
EGERSON CLEARLY AND UNEQUIVOCALLY STATED TO THE COURT "WELL YOU KNOW WHAT YOUR HONOR
LET ME REPRESENT MYSELF AND HAVE CO-COUNSEL THEN". THE TRIAL COURT RESPONDED "NO."
EGERSON THEN STATED "LET ME REPRESENT MYSELF AND HAVE NO COUNSEL". THE TRIAL COURT "STATED,

(b) If you did not exhaust your state remedies on Ground One, explain why: "YOU BETTER THINK ABOUT THAT ONE!"

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

I ENTERED A NOT GUILTY PLEA ON ALL COUNTS.

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: WISCONSIN COURT OF APPEALS DISTRICT I

(b) Docket or case number (if you know): 2017AP797-CR

(c) Result: AFFIRMED, THE TRIAL COURT DECISION

(d) Date of result (if you know): JULY 17, 2018

(e) Citation to the case (if you know): 2017AP797-CR

(f) Grounds raised: VIOLATION OF DEFENDANT'S SIXTH AMENDMENT RIGHT TO SELF-REPRESENTATION. DEFENDANT CLEARLY AND UNEQUIVOCALLY INVOKED HIS RIGHT TO SELF-REPRESENTATION THUS MANDATED THE FARETTA COLLOQUY UNDER UNITED STATES SUPREME COURT PRECEDENT.

THE WISCONSIN COURT OF APPEALS DECISION IS CONTRARY TO SUPREME COURT PRECEDENT "IF IT APPLIES A RULE THAT CONTRADICTS THE GOVERNOR'S LAW SET FORTH IN THE UNITED STATES SUPREME COURT CASES (FARETTA)."

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: WISCONSIN SUPREME COURT

(2) Docket or case number (if you know): 2017AP797-CR

(3) Result: DENIED THE PETITION FOR REVIEW

(4) Date of result (if you know):

DECEMBER 13, 2018

(5) Citation to the case (if you know):

2017AP797-CR

(6) Grounds raised:

VIOLATION OF DEFENDANT'S SIXTH AMENDMENT
RIGHT TO SELF-REPRESENTATION. DEFENDANT CLEARLY AND UNEQUIVOCALLY
INVOKED HIS RIGHT TO SELF-REPRESENTATION THUS MANDATED THE
FARETTA COLLOQUY UNDER UNITED STATES SUPREME COURT PRECEDENT.

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

(7) Result:

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: POST-CONVICTION MOTION 974.02

Name and location of the court where the motion or petition was filed: MILWAUKEE COUNTY CIRCUIT COURT

BRANCH 36 MILWAUKEE, WIS. 53233

Docket or case number (if you know): 2015CF1075

Date of the court's decision: MARCH 30, 2017

Result (attach a copy of the court's opinion or order, if available): SEE ATTACH EXHIBITS TO

PETITION FOR WRIT OF HABEAS CORPUS

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: WISCONSIN COURT OF APPEALS

DISTRICT I MILWAUKEE, WI 53202

Docket or case number (if you know): 2017AP00797

Date of the court's decision: JUL 17, 2018

Result (attach a copy of the court's opinion or order, if available): ATTACHED

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: NONE.

GROUND TWO:

NONE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: NONE

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

NONE

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes

☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes

☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

NONE

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two : NONE

GROUND THREE:

NONE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why:

NONE

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes

☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

NONE

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes

☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

NONE

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes

☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes

☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

NONE

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

NONE

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: NONE

GROUND FOUR:

NONE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

NONE

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

NONE

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

NONE

Name and location of the court where the motion or petition was filed:

None

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

None

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

None

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

None

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

ATTORNEY JEFFREY SZCZEWSKI

(b) At arraignment and plea:

ATTORNEY JUSTIN SINGLETON

(c) At trial:

ATTORNEY GARY ROSENTHAL

(d) At sentencing:

ATTORNEY GARY ROSENTHAL

(e) On appeal:

ATTORNEY ROBERT HANEY AND
ATTORNEY PAMELA MOORS HEAD

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

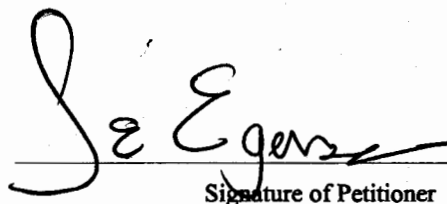
TERRANCE EGERSON IS SEEKING
A NEW TRIAL IN THE INTEREST OF JUSTICE OR IMMEDIATE RELEASE FROM
CUSTODY IN THE WISCONSIN STATE PRISON.

or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on FEB 5, 2019 (month, date, year).

Executed (signed) on FEB 5, 2019 (date).



Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

